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on Tuesday, 25 March 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY MR. CAMILO REYES RODRIGUEZ, DEPUTY-MINISTER FOR FOREIGN AFFAIRS OF COLOMBIA

1. Mr. REYES RODRIGUEZ (Colombia) said he wished to emphasize first of all, the duty of every State to protect and defend the most fundamental human rights namely, the right to life, integrity and freedom, and to meet the basic needs of its citizens while at the same time ensuring implementation of the right to development, both domestically and in international relations. In view of the obstacles that violence and poverty constituted in that regard, States often needed help. Strengthening international cooperation, the realization of which was one of the aims of the United Nations, was thus of great importance.

2. The primary purpose of the organization was to maintain international peace and security and, to that end, to take effective collective measures to prevent and ward off threats to peace. However, as things stood, it was not only wars between nations that threatened international peace but also, and more and more frequently, internal armed conflicts. The international community must firmly condemn the armed non-governmental actors who tried to impose their ideology on peoples and nations by using barbaric practices, of which massacres, murder, abduction, torture and the use of anti-personnel landmines were the most spectacular examples. Despite the position adopted to that effect by the Commission, some people continued to think that, for the purpose of implementing all the mechanisms and special procedures for human rights protection, only the responsibility of States as guarantors of the protection and defence of those rights should be taken into account. His Government did not dispute that responsibility, which no State that called itself a democracy could deny. Nonetheless, failure at the international level to condemn acts committed by subversive or terrorist groups generated confusion in countries undergoing such problems, with the result that people thought that the international community showed a certain tolerance of those groups. Clearly, such groups would have to be condemned if international cooperation was to be effective in freeing mankind from the evil of violations of fundamental rights.

3. The fiftieth anniversary of the Commission provided the opportunity to improve existing mechanisms for cooperation so as to help States overcome their difficulties in the field of human rights. He welcomed the conclusion of the 29 November 1996 agreement between his Government and the High Commissioner for Human Rights to establish a human rights office in Bogotá, which would start operating on 6 April 1997. It would be responsible for monitoring the human rights situation in Colombia; receiving complaints on violations of those rights, including violations of the humanitarian standards applicable in armed conflicts; and helping the national authorities to design policies and take steps to promote and protect human rights and ensure respect for international humanitarian law. The High Commissioner would then present an analytical report on the functioning of the office and the situation of human rights in Colombia.

4. His Government was resolved to put an end to violence in Colombia and would wholeheartedly support the office's efforts to help it surmount the

problems it faced in the field of human rights, which were largely due to the existence of an internal armed conflict. He asked the Commission and all its member countries to have faith in his Government and support its efforts towards the peaceful coexistence of all citizens, which was the aspiration of all Colombians.

STATEMENT BY MR. PIERRE-HENRI IMBERT, DIRECTOR OF HUMAN RIGHTS AT THE COUNCIL OF EUROPE

5. Mr. IMBERT (Council of Europe) said that the Council's efforts to promote and protect human rights at the European level had never ceased. The first great victory in that area had been the adoption of the European Convention on Human Rights: 34 of the Council's 40 member States were currently parties to the Convention and recognized the right of individual recourse and the mandatory competence of the European Court of Human Rights.

6. In the area of economic and social rights, which were particularly important in a Europe plagued by problems of unemployment and exclusion, a new, entirely revised version of the European Social Charter of 1961, had been adopted and opened to signature in 1996. It would be supplemented by a protocol that would render it possibile for employers' and workers' organizations and non-governmental organizations (NGOs) to submit collective claims. As for the rights of minorities, the Framework Convention for the Protection of National Minorities, adopted by the Council of Ministers in November 1994, would soon enter into force.

7. In addition, the Parliamentary Assembly and the Committee of Ministers of the Council of Europe had decided to establish a system for monitoring whether the member States were effectively honouring their commitments in respect of the exercise of fundamental rights and the enforcement of the rules of pluralist democracy and the primacy of law.

8. Despite all the progress made, however, the tragic events of the past few years in the former Yugoslavia, in Chechnya and, more recently, in Albania, had reminded the international community that there was still a long way to go. There was still much to be done to combat racism and intolerance and to promote equality between women and men.

9. An ambitious European campaign against racism, in which young people had taken an active part, had been launched in 1994, at the initiative of the Heads of State and Government of the Council of Europe and the European Commission against Racism and Intolerance (ECRI), which had been responsible for evaluating the effectiveness of the steps taken by member States in that regard, formulating recommendations and studying the pertinent international legal instruments with a view to their possible strengthening.

10. As for the promotion of equality between women and men, the Council was endeavouring to implement at the European level the Platform for Action adopted by the Fourth World Conference on Women, primarily by focusing its activities on combating violence against women, protecting women's reproductive rights, the specific problems of migrant women and balanced

participation of women and men in the democratic system. On the latter point, the Council continued to be extremely concerned by the poor representation of women in the highest executive bodies of the European countries.

11. Anxious to protect the progress achieved in the protection of human rights, the Council had taken a firm stand in favour of the abolition of the death penalty and asked all its new members to commit themselves to apply a moratorium on executions, with immediate effect, and to ratify, within given deadlines, Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning abolition of the death penalty. The Italian proposal on the question merited the unhesitating support of all Governments sincerely committed to the rule of law.

12. The Council was convinced of the need to make all sectors of society aware of the question of human rights, and very much appreciated the efforts made in that connection by United Nations bodies, particularly the High Commissioner for Human Rights, whom it held in high esteem. Inasmuch as the problems did not seem to be diminishing, it was essential that the experiences should be shared at all levels of the international community - national Governments and governmental representatives, secretariats of intergovernmental organizations and representatives of NGOs.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (continued) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and 2)

13. Mr. MUSA HITAM (Malaysia), having reaffirmed his country's commitment to the protection of human rights and fundamental freedoms, which were guaranteed by its Constitution, said it was incumbent upon his Government, as it was upon all Governments, to provide such protection. It was also the responsibility of the Government to maintain the State's stability and security, along with that of its citizens, against any destabilizing element. His delegation fully concurred with the views of the Special Rapporteur on religious intolerance, expressed in paragraph 99 of his report (E/CN.4/1997/91), on certain abuses committed by sects, which the State must not tolerate. As for religious extremists in Malaysia, those members of the Al-Arqam sect who had been detained had been released in 1996.

14. He noted with concern that, for the West, Islam represented a danger. Anti-Islamic feelings were growing there, engendered by prejudice and fear, which could not but contribute to destabilization of the planet. Islam had become equated with intolerance and terrorism, to the extent that any terrorist action was instantly and systematically imputed to Muslims, as had

happened following the Oklahoma City bombing. It was scandalous that no apologies whatsoever had been presented to the Muslim community in that connection.

15. The situation became paradoxical when, on the one hand, Islam was being accused of promoting terrorism and intolerance, and on the other, the rights of Muslim minorities were being increasingly violated in some parts of the world. It was those violations which, as they contributed to confusion and despair, could push activists to commit acts of terrorism.

16. The perception that Islam was synonymous with terrorism, extremism and intolerance was wrong. Islam preached peace and solidarity between and among human beings, irrespective of their racial or religious background; it condemned all forms of terrorism, extremism and intolerance; and it embodied all the rights enshrined in the Universal Declaration of Human Rights and the many United Nations declarations and conventions. It was the Islamic ideal which had inspired the 1990 adoption by the Organization of the Islamic Conference (OIC) of a Declaration on Human Rights in Islam.

17. In Malaysia, a multiracial, multicultural and multi-religious country, religious tolerance was one of the very foundations of national unity, and religious intolerance was prohibited. The country's political stability was supported by that fact, and it enabled the Government to focus its attention on economic development. Religious tolerance, political stability and a sound development strategy had allowed Malaysia to experience economic growth of an average 8 per cent a year for 10 consecutive years. Malaysia was proud of its success and proud of being Muslim.

18. Mr. QAZI (Pakistan) said that, although migrations of all sorts were inherent in the history of mankind, the rights of migrants, and particularly migrant workers, barely counted. Migrants and their families were treated almost everywhere as second-class citizens. Without the benefit of adequate measures of integration, they were marginalized and their difficulties made even worse by the rise of xenophobia. It was thus vital to protect their rights, both in the domestic legislation of each State and in international law.

19. However, laws alone were not enough. For migrants to be perceived as partners in economic and cultural development and not as usurpers, attitudes would have to change. Educational and information campaigns should be undertaken to dispel suspicions about migrants and to enable them to preserve their cultural, religious and social identity, while being integrated into the society in which they lived.

20. The Special Rapporteur on religious intolerance had submitted a report (E/CN.4/1997/91) which deserved careful consideration and follow-up. The delegation of Pakistan would convey to him its comments on several of his references to Jammu and Kashmir and Pakistan, which appeared in the report on his visit to India (E/CN.4/1997/91/Add.1).

21. In Pakistan, equality between Muslims, Christians, Hindus and others was a fact. Proclaimed at the moment of the founding of the country in 1947, that equality had been reaffirmed by the current Prime Minister, Mr. Nawaz Sharif.

It formed part of the basic tenets of Islam on which the Constitution was based. The Constitution contained express provisions guaranteeing the rights of minorities; in particular, articles 20, 21 and 22 guaranteed the right to profess one's religion and to receive religious instruction, without suffering any discrimination with regard to taxation or admission to State-aided educational institutions. Constitutional provisions guaranteeing equal access to governmental and institutional posts and to services, as well as the preservation of the culture of the various sectors of society, had been translated into laws and administrative mechanisms, through the establishment of the Ministry of Minority Affairs, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, District Minority Committees and the National Committee on Kalash People.

22. The minorities benefited from special social protection, and funds made it possible for them to receive financial assistance in their daily life. A scheme of national cultural awards had been introduced specifically for minorities in the fields of literature, the fine arts, the performing arts and folk arts. Thanks to those affirmative actions and a non-discriminatory system of competition, Pakistan had been able to ensure the collaboration of highly capable individuals from minority groups in all fields.

23. To follow up the recommendations of the Special Rapporteur after his 1995 visit to Pakistan, the Government had, among other things - and as it had already intended to do beforehand, amended the electoral system so that minorities could participate directly in elections and vote for their own representatives.

24. Tolerance and respect for pluralism should not serve as a pretext for foreign interests anxious to occupy or dominate a country, however. Pakistan was itself the victim of foreign-inspired extremism and terrorism aimed at its destabilization, at a time when it was making a sincere effort to promote respect for human rights, religious harmony and a liberal, moderate and tolerant society. The democratic world would, he was sure, support its efforts.

25. Mr. KRYLOV (Russian Federation), having stressed the great complexity of the problem of minorities, a problem which the League of Nations had been unable to resolve and which was increasingly becoming the cause of conflicts and crises that threatened peace, security and friendly relations between nations, said that the entire international community must make a firm commitment to the protection of human rights, including those of persons belonging to minorities, and with the greatest equity and objectivity, without yielding to the temptation of double standards.

26. There were dozens of national and ethnic minorities in Russia. The Constitution of the Russian Federation and the charters of its administrative and territorial entities made it incumbent upon the State to protect the rights of minorities. That was why his Government was endeavouring to enable minorities to develop their own culture, study their mother tongues and be represented at both the Federal and local levels.

27. Following the collapse of the Soviet Union, 25 million Russians were living outside Russia, and Russian society was not indifferent to their fate in the newly independent States. The Russian minorities suffered from the

priority given to the nationals of those States and from manifestations of aggressive nationalism. Russian cultural space had declined, and it was difficult for those groups to receive an education in Russian; some organizations representing their interests were banned. As President Yeltsin had stressed, one of the most important tasks of Russian foreign policy had been and would be the protection of the rights of Russian populations living abroad, including those in Estonia and Latvia. Russians would never forget the legitimate rights of their compatriots, even though they wanted to maintain good neighbourly relations. Russia's position derived not from imperialistic aspirations but from the need to protect human rights, the rejection of all forms of discrimination and the moral and legal obligations of membership of the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

28. His Government was attempting to reconcile two necessities: protection of the human rights of national minorities and observance of the principle of the territorial integrity of States. The transition to a multi-polar democratic world demanded the conscientious implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. That should be one of the Commission's priorities. It was by protecting the rights of minorities that society would prove its dedication to pluralism, supremacy of the law and respect for human rights.

29. Ms. GHOSE (India) said that, during the debates on agenda items 13, 17 and 19, it had become increasingly clear that the Commission must find ways to promote pluralism and tolerance. The activities of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be brought to the attention of Governments, NGOs and the media, so that the debate and inputs could be internationalized, and the Group's mandate should be extended for another two years, the required resources being made available.

30. The phenomenon of extremism and religious intolerance and the rise of so-called religious fundamentalism was a challenge that confronted almost all nations and religions. Whether that problem arose from pressures towards uniformity on heterogeneous societies, or from a sense of alienation bred by the demands of modern life, it carried the danger of a lapse into violence and even terrorism. There was a need for all countries to find appropriate responses, in a democratic framework, by establishing firm foundations of equality and non-discrimination, by strengthening legislation, by promoting a culture of tolerance through education and by appealing to civil society and the media.

31. India, which was faced with those challenges, took an active interest in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and in the work of the Special Rapporteur on religious intolerance, Mr. Amor. Her Government had therefore invited him to visit India, and he had been able to meet personalities representing the whole spectrum of Indian political and civil society. His keenness of observation and commitment to his mandate had enabled him to grasp some of the complexities of an ancient society of 950 million people, experiencing major social and economic changes. India was characterized by great diversity, not only in terms of religion, but in many

other areas as well. That diversity was preserved by the people, who were deeply committed to pluralism and tolerance, and by the Constitution, which had placed that ideal in a formal framework. In a complex and vast society such as India, there were undoubtedly manifestations of intolerance, but, as noted by the Special Rapporteur in his report (E/CN.4/1997/91/Add.1), those were aberrations which were condemned not only by the authorities but also by society at large.

32. She welcomed the fact that the Special Rapporteur had found the situation satisfactory, but his thesis that poverty, as well as India's economic and social structure - which was a reference to the caste system - led to religious intolerance was open to question. She recognized that the poor were the most vulnerable to exploitation for political or other ends, but, as far as the caste system was concerned, legislation, together with other administrative and educational steps, prohibited discrimination on the basis of caste. The caste system itself had not been abolished, but a social revolution was in progress, as those who had previously been discriminated against on the basis of caste began to make their voices heard and to turn what might have been a social disadvantage into political power. However, caste, which was a social phenomenon, must not be confused with religion.

33. As the Special Rapporteur had pointed out, India's democratic structure was susceptible to attack on account of the "exploitation of religion to further a programme which is in fact political". In the case of Jammu and Kashmir and Punjab, the Special Rapporteur - and her Government agreed entirely - had urged all parties concerned, official and non-official, national and foreign, to ensure that the immutable principles of religion were not affected by political considerations at the expense of the religious rights of communities and, more generally, of tolerance and non-discrimination based on religion and belief. Her Government was alive to that concern and was taking all the necessary steps to prevent political questions from taking on any religious connotation whatsoever.

34. Her Government did not underestimate the challenges posed by extremes of poverty and prosperity. It agreed with the Special Rapporteur that education in school and at home was a major step towards developing tolerance and that accelerated economic development was also necessary; it was for that reason that it had set an economic reform in motion.

35. Her Government had taken note of the Special Rapporteur's other recommendations such as regulating the financial dependence of political and religious movements on foreign countries and protecting schools from political and ideological indoctrination. He had also recommended that the Centre for Human Rights provide advisory services on teacher training. While any assistance in that area would be welcome, she feared that, given the magnitude of the problem - trying to eradicate illiteracy among more than 40 per cent of a population of 950 million - the financial and human resources of the Centre might not be adequate.

36. In the fiftieth year of India's independence, the principal source of its confidence in the future was that its democracy was based on an age-old tradition of tolerance and that its struggle against colonialism had been

fought for the freedom of all its people and not of any specific group. Its commitment to "unity in diversity" provided a viable basis for the democratic organization of a multi-religious and multilingual society. The international community still had much to do to promote tolerance and pluralism, and her Government once again urged the Centre for Human Rights to attach the highest priority to the task, not only through the studies requested by the Commission and its Sub-Commission, but also through workshops and seminars, using mass media and NGOs, encouraging exchanges of experience and assisting countries through its technical cooperation programme. The action of the Centre must be such as to cope with the threat posed by extremism, exclusivity and intolerance, as well as the conflicts and violence they could engender.

37. Mrs. KUPCHYNA (Belarus) said that her country was doing everything possible to implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Regarding the situation of minorities in Belarus, she stressed the harmony reigning between society's ethnic and religious groups.

38. At the legislative level, the period of transition to democracy and a market economy was characterized by recognition of the fact that the protection of human rights was a vital element in maintaining peace and stability. The constitutional provisions guaranteeing the rights of persons belonging to minorities had been spelled out in a series of laws (on national minorities, education, languages, rights of the child and so forth). Her Government was planning to accede to the Framework Convention for the Protection of National Minorities of the Council of Europe. On 24 October 1994, it had signed the Commonwealth of Independent States (CIS) convention on the protection of the rights of persons belonging to national minorities.

39. From January 1995 to January 1997, a coordinating council on national minority issues of the Council of Ministers of the Republic of Belarus had coordinated the activities of the State bodies and civil organizations in the area of relations between nationalities. The Presidential Decree of 11 January 1997 had created the State Committee for Issues of Religion and Nationality, whose task was to analyse and promote the culture, interests and needs of national minorities. There were currently dozens of cultural associations comprising persons of different nationalities residing in Belarus (Russians, Poles, Ukrainians, Lithuanians, Jews, Germans, Koreans, Azerbaijanis, Tatars and Moldavians).

40. Many countries were in the midst of ethnic or religious conflicts. There were about 100,000 illegal immigrants in Belarus, most of whom were trying to acquire refugee status by asserting that they had a well-founded fear of being persecuted for reasons of race, religion, citizenship or nationality if they returned to their country of origin. The Belarusian authorities were convinced that, if all countries implemented the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, many refugee problems would be avoided.

41. Her Government welcomed the activities of the Working Group on Minorities. It supported in particular the recommendation made in paragraph 206 of the Working Group's report on its second session

(E/CN.4/Sub.2/1996/28) on collecting information and preparing short studies on the content and scope of the core principles contained in the Declaration. In future, the Working Group should concentrate on the practical application of the Declaration's provisions.

42. Turning to the implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, she said that Belarus was currently undergoing an extraordinarily rapid religious renewal. The Church was strengthening its presence: between 1986 and 1996, the number of religious communities had risen from 842 to 2,016. In addition, foreign missionaries from various groups, particularly Catholics, Jews and Muslims, were opening religious centres. On the basis of the Constitution and the principles of international law, the Government was taking the appropriate steps to protect the honour, health, rights and legitimate interests of its citizens and to avoid any manifestation of hatred or violence based on religion. Some foreign missionaries were the mouthpieces of sects. By an ordinance of 17 January 1995, Parliament had authorized the Government to regulate the activity of members of foreign religious communities on national territory. That provision was, of course, aimed at religious organizations that preached hatred and violence, challenged civic duties or encouraged suicide.

43. The Constitution guaranteed the equality of religions before the law. The State did not provide financial support to a single religious organization. When appropriate, it returned church property and restored buildings of religious heritage that were of cultural and historical value.

44. Mr. WANG Zuoan (China) said that, 15 years after its adoption by the General Assembly, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief still held an important place in the Commission's work. He wished to provide a brief introduction to the policy and situation of religion in China.

45. There were more than 100 million adherents of different religions in China (Buddhism, Taoism, Islam and Christianity). Since the founding of the People's Republic of China, his Government had protected the religious freedom and rights of believers. It had always advocated mutual respect, equality and tolerance between believers and non-believers. Discrimination based on belief or non-belief was not allowed. Freedom of religious belief was enshrined in the Constitution, and religious communities could practise their faith freely as long as they did not interfere in the administrative and legal affairs of State. Representatives of religious groups were elected to the people's congresses and participated in debates on national and local affairs. The Government consulted religious authorities in preparing legislation on religious matters.

46. His Government attached great importance to the respect for and protection of religious freedom through legal means. In January 1994, it had promulgated two important regulations on religious affairs: the Administrative Regulations on the Sites of Religious Activities and the Administrative Rules on Religious Activities of Foreigners within the Territory of the People's Republic of China.

47. As long as they respected the law, religious groups could organize their religious activities and teachings in complete independence, issue religious periodicals, distribute religious texts and open religious schools to train young theological professionals. They could conduct exchanges with foreign religious groups and personnel, attend international religious conferences and organize pilgrimages. There were currently over 2,000 religious groups in China, 200,000 teachers of various religions, 48 religious institutes and schools and more than 70,000 places of worship. As in any State that observed the rule of law, citizens also had duties, which included not engaging in activities that endangered public security and social order.

48. All countries, with their great diversity, should conduct exchanges with each other to combat prejudices. China, by protecting freedom of religion, was willing to contribute to world peace, social justice and friendly relations among the peoples of all countries.

49. Mrs. GABR (Egypt) said the fundamental idea underlying all the issues under consideration was that of acceptance of the Other, whether that Other was a migrant worker or a member of another religious or linguistic group. The participants in the round table organized by the United Nations on 21 March 1997 in observance of the International Day for the Elimination of Racial Discrimination had called on the members of the international community to combat racism against migrants and to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which only a dozen countries, including Egypt, had so far acceded. Many countries that were eager to impose their values on others were reluctant to commit themselves to defending the basic rights of migrant workers. Accession to the Convention by host countries would mark a turning point at the social and political levels, and the beginning of the elimination of racism in all its forms. Her delegation endorsed the proposal to establish a group of government experts to identify obstacles to the enjoyment by migrant workers of their rights.

50. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief was also a vital instrument. Convinced of the importance of tolerance, her Government had always cooperated with the Special Rapporteur on religious intolerance. It welcomed his excellent report and his comments on the situation in Egypt. Recent isolated terrorist acts there had been firmly condemned by the political and religious authorities. Extremism, particularly religious extremism, was an evil that threatened all societies. States must do everything possible to prevent religion from being exploited for political ends.

51. In that perspective, the role of education in creating a culture of tolerance could not be overstated. The Special Rapporteur had devoted part of his report to the development of a culture of tolerance. The Egyptian authorities had set up a simplified educational programme on human rights for children. They were cooperating with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to ensure the circulation of children's books that conveyed a spirit of tolerance. Knowing how to accept the Other would be a principal factor in the evolution of tomorrow's societies, determining their ability to assimilate new ideas and to integrate persons from other cultures. All States and international organizations

should cooperate to that end; such efforts could be capped by an international conference against racism, which would be held before the end of the century.

52. Mr. CHOWDHURY (Bangladesh) said that the rise in negative attitudes towards migrant workers and foreigners in general had several causes. It was due in part to inadequate protection of the rights of migrant workers, especially illegal migrants, and to xenophobic statements by irresponsible individuals. At a time when population displacements were increasingly numerous and more complex throughout the world, migrants were being used as scapegoats for all the evils of the host countries, which usually reacted by adopting defensive and restrictive measures. Migrants were often taken to task individually and collectively. It was therefore urgent that the international community should protect their rights.

53. In February 1996, the International Organization for Migrations (IOM) had organized a Round Table on Effective Respect for the Dignity of Migrants. The Round Table had observed that there was no widely ratified international instrument on the matter, no monitoring body and no international intergovernmental agency responsible for promoting and monitoring the protection of their basic human rights; there was also no broadly based NGO advocacy movement. The Round Table had further commented on the strong resistance by numerous States to adhering to the standards on migrants' rights. Unfortunately, the Round Table did not seem to have received any press coverage. The Programme of Action adopted by the International Conference on Population and Development, however, contained some useful elements with regard to migrant workers.

54. The question of migration must be considered from the standpoint of respect for basic human rights but also of problems of employment and working conditions. Given the globalization and liberalization of the economy, the movement of people in the context of production must be taken into account as well as the movement of capital, goods and services. The failure to recognize the value of the movement of people had contributed to the flourishing of trafficking in illegal migrants and led to actions that had become a blot on the world's conscience. Globalization was undoubtedly a noble aim; however, it was not a matter simply of opening markets but also one of opening minds and hearts.

55. There was no reason to be afraid of migration. History testified to the fact that it was a factor in intellectual, spiritual and material enrichment. His Government called on the international community to reflect in depth on the question of migration, including migrants' rights. All States must recognize a minimum set of rights for migrants. The Commission could certainly play an active role in that regard.

56. Mr. LILLO (Chile) said he was concerned that a growing number of migrant workers were encountering intolerance, discrimination, xenophobia and racism and were increasingly marginalized in society. They were treated as second-class citizens and often worked under conditions of exploitation, some of which resembled slavery. Regarding employment, they were discriminated against both as to the nature of the work and the level of remuneration. It

was regrettable that migratory flows were considered to be negative and that migrant workers were considered more as a burden on society than an enrichment of the host country.

57. It was true that many migrant workers had left their countries of origin in search of a better situation, but migration was not only a reaction to difficult human situations; it was also part globalization. In an increasingly interdependent world, it was paradoxical that practices of discrimination and exclusion were on the rise. The application of increasingly restrictive policies and laws was a cause for alarm, as such measures contributed to xenophobic and racist attitudes and behaviour. The problem of migrant workers and their families as it currently existed was not just a part of the "North-South" confrontation; it was a much more complex phenomenon which occurred even between developing countries.

58. In view of the seriousness of the phenomenon, his delegation supported the suggestion by the delegation of Mexico that a working group be established within the Commission to study the problems in terms of universal criteria, to determine the main obstacles to preventing migrant workers from fully exercising their basic rights and, based on its conclusions, to propose solutions. The Chilean Parliament was considering the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and his Government hoped that the procedure for ratifying that important instrument would soon be concluded.

59. Mr. GOONETILLEKE (Sri Lanka) said that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities not only proclaimed the rights of minorities, for which States were primarily responsible, but also referred to tenets contained in several other international human rights instruments, including article 20 of the International Covenant on Civil and Political Rights, which specifically prohibited advocacy of national, racial or religious hatred. That clearly meant that, while minorities were entitled to certain rights, they also had certain duties towards society as a whole. Acts of terrorism and violence against other communities were, therefore, not admissible as a means of realizing minority rights. Moreover, article 8, paragraph 4, of the Declaration clearly stipulated that it should not be "construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States".

60. In its resolution 1996/19, on "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", the Commission condemned unequivocally all violent acts and activities that infringed upon human rights and fundamental freedoms, democracy, tolerance and pluralism. Many non-State actors were currently resorting to violence in the guise of exercising ethnic, religious and linguistic rights. Such groups often displayed a lack of tolerance and were adverse to pluralism. The Commission should attach the highest priority to the effective promotion of the values of democracy, pluralism and tolerance. It should be wary of groups that ostensibly promoted minority rights and called for redress of minority grievances but in reality were agents of organizations which aimed to

threaten the integrity of sovereign States and destabilize multicultural societies, with a view to achieving ethnic or religious hegemony over others.

61. The report of the Working Group on Minorities on its second session (E/CN.4/Sub.2/1996/28) contained many important elements which merited the Commission's attention. Regarding the definition of minorities, he noted that paragraph 132 stated that, in view of the understanding reached by the Working Group entrusted with the elaboration of the Declaration, the right of peoples to self-determination did not extend to minorities, and that the observer for Finland had referred to the risk of granting too extensive rights to minorities, which could lead to discrimination (para. 161). Another issue of importance which merited further consideration was that of contacts and ties established across frontiers, and the impact of such ties on the full enjoyment of ethnic or linguistic rights - not only of minorities, but also of apparent majorities that suffered from a minority complex.

62. The Working Group had recommended (para. 209) the collection of more substantive information on national recourse and reconciliation machineries, in particular on how such mechanisms had been established and how they functioned. Sri Lanka had decided in August 1996 to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, which would enable all citizens who believed their rights had been violated, including those covering the rights of minorities and religious groups, to avail themselves of measures outside national jurisdiction as a final resort. In addition, the office of Parliamentary Commissioner for Administration (Ombudsman) had been established. He was responsible for investigating and reporting upon complaints or allegations formulated by citizens, including members of minorities, for infringements of their fundamental rights committed by public officers or representatives of other State authorities. The Human Rights Commission of Sri Lanka had been officially inaugurated on 17 March 1997 and its composition was in conformity with the law by which it had been established, according to which members of the different groups constituting Sri Lankan society must be represented on it. Those measures were recent ones, but the Constitution in any event guaranteed the fundamental rights of all the minorities of Sri Lanka, including the right to use their own languages, to practise their religions freely and to apply their own laws pertaining to marriage and inheritance as well as to follow their own customs. His Government hoped that the constitutional provisions in force and those envisaged in the draft amendments together with the recent measures it had adopted would go a long way to realizing the full enjoyment of the rights of minorities in Sri Lanka.

63. Mr. GHANAVI (Observer for the Islamic Republic of Iran), speaking on agenda item 19, said that the trend towards religious intolerance continued to grow. A striking example was the Islamophobia of certain Western countries. Islam and its followers had become the main target of some Western intellectuals who were desperately trying to revive old animosities dating back to the Crusades. At the practical level, Muslims, who were often labelled fundamentalists, were subject to unacceptable political and religious restrictions. Politically, they were perceived as a security threat, and that justified violence against them and their property. Even though their right to profess or practise their own religion was recognized, they were frequently deprived of their other rights, including the right to education. The Western

media contributed to the anti-Muslim fervour by dramatizing every possible incident, in order to attract more readers or viewers. The situation of Muslim minorities in the West was of great concern; whereas there was an established mechanism for anti-Semitic sentiments, there was nothing to protect the rights of Muslim minorities. Surprisingly, it seemed that the numerous international instruments for the protection of minorities could not be applied to Muslim minorities in the West because of the existing prejudices against them.

64. His delegation had studied with interest the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91), and considered that its conclusions and recommendations represented a piecemeal approach to the question of religious freedom and religious intolerance. The Special Rapporteur seemed to view religion as the main source of intolerance; in so doing, he ran the risk of providing a theoretical argument in favour of intolerance of religion. His delegation hoped therefore that the Special Rapporteur would address that phenomenon in detail in his next report.

65. Mr. EGÜZ (Observer for Turkey) said that the problems faced by migrant workers were of great concern, as millions of people were living without proper legal protection. Three million Turkish citizens currently lived outside their country; 80 per cent of them wished to stay in their respective host countries and become an integral part of the societies in which they lived.

66. As the representative of the International Labour Organization (ILO) had said under agenda item 13, discrimination against migrants was widespread, particularly in the workplace, where it impeded their access to the labour market and their social integration. It was vital, therefore, that action should be taken to outlaw that type of discrimination, as the marginalization and exclusion of migrant workers could not but reinforce xenophobic tendencies among the national population of the host countries and result in a sub-optimum use of human resources.

67. The essence of the problem lay in the status of migrant workers, who were still considered by their host countries to be mere "foreigners". In order to address that problem, the host countries should pursue policies not of assimilation, but of integration, which meant allowing migrant workers to participate in the political, social and cultural life of the host country and giving them the right to vote and become candidates in local elections. The facilitation of dual citizenship was yet another tool for their integration, one which Turkey had accepted in 1981 by amending its nationality laws. Unfortunately, just the opposite tendency could be observed on the part of many host countries. In Germany, for example, on 15 January 1997, the Government had introduced new legislation which required children under 16 whose parents were Turkish and resident in Germany to obtain a visa or a special residence permit. That law, which would affect an estimated 800,000 children who had been born in Germany and lived there for most of their lives, would not promote the integration of Turkish migrant workers into German society.

68. Migrant workers were also the targets of racism and xenophobia, which were currently on the rise in western Europe and were frequently the outgrowth

of discrimination based on race and ethnic background. As migrant workers were excluded from the mainstream of societies, they increasingly became the targets of those phenomena. The international community should make every effort to remedy those complex problems and promote democracy, human rights and pluralism.

69. Mr. NÁRAY (Observer for Hungary), speaking on agenda item 17, said that the recent tragic conflicts in Europe and other continents had clearly demonstrated how the violation of minority rights could undermine the stability of entire regions and pose a serious threat to international peace and security. Fortunately, a number of pluralist and genuinely democratic societies recognized that respect for minority rights was a precondition for the normal functioning of a State and not only observed the rights of minorities but created conditions conducive to their expressing, preserving and developing their identity. It was clear that, in a truly democratic society, the State must function for the benefit of each and every citizen, irrespective of his or her origin, and that a spirit of dialogue and tolerance served the interests of the entire country.

70. His Government was convinced that the existence of minorities in any country, provided their rights were observed, was an important economic, social and cultural asset for the benefit of the whole country and did not constitute a threat to the integrity of the State. It was in that spirit that Hungary had recently concluded treaties with Slovakia and Romania that included important provisions for the promotion and protection of the rights of minorities; those provisions were already being applied with respect to Romania, and would shortly be applied with respect to Slovakia.

71. At the international level, the 1992 adoption by the General Assembly in 1992 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which provided for global minimum standards of minority rights, was an early indication of the growing importance attributed by regional and international forums to minority issues. A second important step had been the establishment in 1995 of the Sub-Commission's Working Group on Minorities. His delegation particularly welcomed the fact that representatives of minorities had had the opportunity to express their views during the Group's two sessions, which lent more credibility to its work. It was pleased that, at its second session, the Working Group had concentrated on identifying specific solutions to minority-related problems, rather than sinking into hopelessly theoretical debates. It fully supported the idea of collecting information on constitutions and legislation and their implementation, and encouraged the Working Group to follow the recommendations of its Chairman, Mr. Eide, namely, to explore ways of setting up and strengthening monitoring mechanisms at the national, regional and international levels. While acknowledging the significance of and usefulness of the Working Group, his Government remained convinced of the need for the Commission to appoint an expert or representative with a mandate similar to those of the rapporteurs on thematic procedures, to study the minority question in depth.

72. The Commission's activities in the area of the protection of the rights of minorities could and should be supplemented by the monitoring functions of the treaty bodies, such as the Committee on the Elimination of Racial

Discrimination and other thematic and country-oriented mechanisms of the Commission. The High Commissioner for Human Rights also had an indispensable role to play in the early identification of failure to respect the rights of minorities and inadequate protection thereof, thereby preventing the occurrence of more serious abuses. The entire United Nations system should devote more attention to the complex issue of national and ethnic minorities. His Government was willing to cooperate in the search for solutions.

73. Mr. VIGNY (Observer for Switzerland) said he was pleased to note that the second session of the Working Group on Minorities had been attended by a large number of participants from far and wide. The Working Group was an informal and privileged forum for the exchange of information on the situation of minorities and cooperation between specialists seeking solutions to disputes opposing States and minorities.

74. The Working Group had adopted several vital recommendations, one of which was aimed at determining the object, content and scope of articles 2, 3 and 4 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which should subsequently enable follow-up mechanisms to be established for State implementation of that instrument. He welcomed the forthcoming organization of a seminar on intercultural education, which should contribute to identifying key elements in cultural integration, as opposed to cultural assimilation, and to identifying positive measures for implementation in that field. Other donors should contribute to the seminar's financing, which had not yet been assured.

75. The implementation of the Working Group's recommendations required close collaboration between the Group and the Commission's thematic mechanisms, as well as the treaty-monitoring bodies, specialized agencies and regional organizations. As part of the implementation of the programme on the protection of persons belong to minorities, the prevention and rapid-intervention activities for dealing with situations involving minorities which called for urgent action should also be strengthened. States should provide the treaty-monitoring bodies with specific information, both legal and factual, on the protection and promotion of the rights of persons belonging to minorities, in accordance with the relevant articles of the two International Covenants on Human Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 29 and 30 of the Convention on the Rights of the Child.

76. His delegation hoped that the Working Group on Minorities would have its mandate renewed with enough time for it to meet again under the best possible circumstances in 1998 and once a year thereafter, at least in 1999 and 2000.

77. Mr. MOUSSAEV (Observer for Azerbaijan) said that the legitimate concern to protect minority rights should not result in tolerance of aggressive manifestations of nationalism, separatism and religious and political extremism, which could also lead to terrorism. It was unacceptable that, in the name of self-determination, some ethnic groups were depriving the majority population, as well as other ethnic groups, of their right to self-determination. Honouring all separatist demands was certainly not the best way to strengthen international peace and security. To diminish ethnic tension, it was better to establish truly democratic political systems in

which all citizens, including those belonging to minorities, could be duly represented, and to ensure respect for the fundamental rule of peaceful coexistence embodied in the Charter.

78. Article 8, paragraph 4, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stipulated that none of its provisions could be construed as permitting any activity contrary to the purposes and principles of the United Nations, including the sovereign equality, territorial integrity and political independence of States, which meant that members of minorities should recognize and respect their duties towards the rest of society and abstain from propaganda or inciting acts of violence.

79. To the extent possible, situations involving minorities should be settled peacefully and constructively by giving minorities the ability to exercise their rights in the educational, linguistic and cultural domains and, possibly, by giving them some degree of autonomy within the State. In that connection, he welcomed the statement made by the then Chairman of the OSCE at its Lisbon summit on the settlement of the armed conflict in and around the Nagorno-Karabakh region of Azerbaijan. That statement reaffirmed three principles recommended by the Minsk Group and supported by all OSCE member States, with the exception of Armenia, namely, respect for the territorial integrity of Armenia and Azerbaijan; granting the highest degree of self-rule to the Nagorno-Karabakh region of Azerbaijan; and the need to guarantee security for the region and its whole population, including mutual obligations to ensure compliance by all parties with the provisions of the settlement. The OSCE activities aimed at achieving a peaceful solution to the conflict had been fully supported by the General Assembly at its fifty-first session (res. 51/57). His Government considered that the Lisbon decision marked an important contribution to a peaceful solution to the conflict, based on respect for the territorial integrity of Azerbaijan as well as the promotion of human rights and fundamental freedoms of all persons, including members of ethnic minorities.

80. Mr. DOUVOS (Observer for Greece) said that his country was deeply respectful of religious freedom in all its forms, and religious freedom was included in the Constitution. Every year, Greece was a sponsor of the General Assembly resolution on the elimination of all forms of religious intolerance and would shortly ratify the International Covenant on Civil and Political Rights, article 18 of which dealt with freedom of conscience and religion.

81. Consequently, he wished to focus his statement on the observations made by the Special Rapporteur on religious intolerance following his visit to Greece in June 1996 (A/51/542/Add.1 and E/CN.4/1997/91, paras. 46 to 51).

82. The concept of "known religion" appearing in article 13 of the Greek Constitution was not, as the Special Rapporteur seemed to think, a manifestation of religious intolerance, but a way of distinguishing between religious beliefs expressed in public and dogmas or sects whose practice was secret and which could prove dangerous. Article 18 of the Covenant called for the possibility of limiting freedom of religion if that were necessary to protect public order. There was also no reason to take umbrage at the fact that the Orthodox Church was recognized as the "dominant religion", since the

Special Rapporteur himself had acknowledged that a, "State religion is not in itself contrary to the international instruments". Article 3 of the Constitution merely reflected an objective reality, namely, that the Orthodox religion was that of the overwhelming majority of the population.

83. The Special Rapporteur was particularly concerned by the legislation on proselytizing. The legislation penalized proselytizing fraudulently and, as the European Court of Human Rights had recognized, was aimed at protecting religions against ill-intended interference and not at restricting freedom of religious education.

84. As for the legislation on places of worship, the building permits to which the Special Rapporteur referred were not issued in a discretionary fashion by the administration: the administration simply verified that the conditions required by the law were met in each instance. His Government would do its utmost to remedy the slowness of the administrative procedures to which the Special Rapporteur had drawn its attention.

85. As to the situation of the religious communities, the general conclusion of the Special Rapporteur that "the Catholic, Protestant and Jehovah's Witness minorities are confronted to varying degrees with a general climate of intolerance" seemed to be disproved by several positive observations concerning, for example, the freedom of religious publications and of the Catholic and Protestant religions. Members of the Catholic, Protestant and Jewish communities, as well as the Jehovah's Witnesses, had the same rights and obligations under Greek law as other Greek citizens and were perfectly free to practice their religion as long as it did not disturb public order.

86. As for the Muslim minority in Thrace, his delegation welcomed the Special Rapporteur's recommendation that the parties concerned should comply with their international commitments under the Treaty of Lausanne.

87. Mr. HASSAN (Observer for Sudan) said that he had read with interest the report of the Special Rapporteur on religious intolerance, particularly paragraphs 52-55, which concerned his country.

88. The Sudan was a vast country where a large number of cultures and ethnic groups mixed together. Muslims, Christians and animists coexisted in a climate of complete tolerance, aided by a federal system which allowed the 26 Sudanese states to enjoy a certain degree of autonomy and to choose their own development options. All the regions and groups therefore felt themselves members of a single nation and recognized the need to share authority and to respect common rules to ensure the well-being of each and every individual. Although Arabic was the official language, English was also widely spoken, and the Government was not opposed to the propagation of local dialects or to their being taught at school.

89. Freedom of religion and non-discrimination were guaranteed by law, and incitement to hatred between groups was repressed by the criminal law. The Government, which fully respected the various dogmas, had decided not to apply the Shariah to non-Muslims, in particular to the Christians and animists living in the south of the country. The Christian religion was taught in complete freedom in Christian schools, and several churches were being built.

90. His Government thus considered that the statements made by some foreign States and NGOs that the troubles occurring in the south of the country were in reality a religious war between Christians and Muslims were nothing but partisan interpretations aimed at damaging the integrity and territorial unity of the Sudan. That "war" was in fact sponsored from abroad, as demonstrated by the many attacks carried out against the country's southern and eastern borders. As to the political agreement signed with several rebel factions of the south and of the Nuba Mountains, it was both an expression of popular will and the culmination of a long tradition of tolerance, which was one of the characteristics of the Sudanese people.

The meeting rose at 1.10 p.m.